HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A.No.332/2006

CORAM: Hon'ble Shri S.R. Nayak, CJ
& Hon'ble Shri Dilip Raosaheb Deshmukh, J.

APPELLANT : The New India Insurance Co. Ltd. Through Divisional Manager, The New Indian Insurance Co. Ltd., Jail Road, Raipur C.G.

Claimant

:

Versus

RESPONDENTS :
1. Tirith Bai W/o Chaitu Ram Kashyap Age 50 yrs.
2. Chaituram S/o Maujiram Age 52 Yrs.
3. Kameshwar Prasad S/o Chaituram Kashyap Age 17 Yrs. Through Guardian Father Chaituram Kashyap.

All Resident of Boerjhitti, Thana Nevara, Distt. -Raipur C.G.

4. Pavitra Kumar Alies Pavitro S/o Dhaniram Yadav, Village-Jora, P.O. Krishak Nagar, Labhandi, Thana-Telibanda, Raipur, Tahsil & Distt. Raipur C.G. (Driver as per Criminal Record)
5. Manharan S/o Puransingh Yadav, R/o Jora, Shaupara, P.O. Krishak Nagar, Labhandi, Thana-Telibanda, Raipur, Tahsil & Distt. Raipur C.G. (Owner)
6. Shyamlal S/o Mahesh Prasad Rawat Age 27 years. R/o Near Sharda Mandir, Telibada, Raipur C.G.

Shri Sudhir Agrawal, Counsel for the appellant

ORAL ORDER
(Passed on 22nd March, 2006)

The following judgment of the Court was delivered by S.R.NAYAK, C.J.

In this appeal preferred by the Insurance Company, the only substantive ground urged before us by the learned counsel for the appellant-Insurance Company is that while the accident took place the motor vehicle involved in the accident was driven by a minor and therefore, the M.A.C.T. ought not to have fastened the liability to pay compensation on the appellant-Insurance Company. Of course, such a plea was taken by the appellant-Insurance Company in the written statement filed in the case, but, the Insurance Company has utterly failed to substantiate that plea. In that view of the matter, we do not find any merit in the contention that the appellant-Insurance Company could not have been saddled with the liability to pay compensation.

2. The appeal is devoid of merit and it is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Anjani